

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

DWAYNE DOUGLAS GEORGE,

Defendant.

Case No. CR21-174 JCC

**ORDER DENYING MOTION TO
REOPEN DETENTION HEARING**

Before the Court is Defendant Dwayne Douglas George's motion to reopen detention

hearing. (Mot. (dkt. # 220).) Mr. George moves to reopen based on “specific threats to Mr.

George's health if he continues to be detained." (*Id.* at 3.) He contends "the [Federal Detention

Center (“FDC”)] has failed to provide the one necessary treatment for Mr. George’s

lymphedema,” specifically, “compressive leg garments.” (*Id.* at 3-4.) The Government filed an

opposition to Mr. George's motion to reopen arguing that Mr. George fails to state an ade-

basis for reopening the detention hearing and, even if he had, the facts do not support the

argument that he is not receiving adequate medical care. (Resp. (dkt. # 229).) The Government

1 attached to its opposition copies of Mr. George's medical records from the FDC evidencing that
 2 Mr. George has been receiving medical care for his lymphedema. (Ex. 1 (dkt. # 230).)¹

3 The Bail Reform Act provides that a detention hearing may be reopened "at any time
 4 before trial if the judicial officer finds that information exists that was not known to the movant
 5 at the time of the hearing and that has a material bearing on the issue whether there are
 6 conditions of release that will reasonably assure the appearance of such person as required and
 7 the safety of any other person and the community." 18 U.S.C. § 3142(f). Mr. George's medical
 8 condition was known at the time of the detention hearing. Accordingly, the only new information
 9 is Mr. George's representation that the FDC is not adequately caring for his lymphedema. Based
 10 on the record before the Court, Mr. George's allegations do not have a material bearing on the
 11 issue whether there are conditions of release that will assure his appearance and the safety of the
 12 community.

13 A review of the record supports the Government's position that Mr. George is receiving
 14 medical care for his lymphedema. He has had a number of visits or consultations for "wound
 15 care" and "dressing care." (Ex. 1 at 40, 55-56, 63-64, 68-69, and 100-101.) Notations in the
 16 record by medical personnel at the FDC also note that Mr. George "messes" with his bandages
 17 and despite this his wounds are improving. (*Id.* at 34, 38, 49, 61.) Finally, Mr. George's medical
 18 records describe the kinds of wraps and compression products that have been used in his
 19 treatment, including kerlix gauze, Unna Boot wraps, Ace wraps, and TED hose (a compression
 20 garment). (*Id.* at 5, 8.) Moreover, on December 10, 2021, Mr. George was authorized to have
 21 custom compression socks sent from the community. (*Id.* at 24 ("updated to allow custom
 22 stocking sent from home.")); 7 (noting that the compression garments requested by George "are

23¹ Because Exhibit 1 is not numbered sequentially, the Court's cites are to the PDF numbering.

1 highly specialized and are not available in health services" and he "is authorized to have these
2 sent to him from the community").)

3 Based on the record before the Court, there is no basis for reopening detention in this
4 matter. The Court therefore DENIES Defendant's motion (dkt. # 220) to reopen the detention
5 hearing to consider this new information. The Court GRANTS the Government's motion to seal
6 (dkt. # 228) as Exhibit 1 is Mr. George's medical records.

7 DATED this 11th day of February, 2022.

8
9 
10 MICHELLE L. PETERSON
11 United States Magistrate Judge
12
13
14
15
16
17
18
19
20
21
22
23